

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

FREDERICK TWOMEY, et al.,

Plaintiff

v.

DAMASCUS TOWNSHIP, et al.,

Defendant.

CIVIL ACTION NO. 10-CV-1604

(JUDGE CAPUTO)

MEMORANDUM ORDER

Presently before the Court is Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction. (Doc. 2.) Plaintiffs request that this enjoin Damascus Township from granting further permits in violation of Plaintiffs' Due Process Rights, and enjoin Newfield Appalachia, LLC, from conducting further drilling operations in Damascus Township. Plaintiffs request preliminary injunction relief, given only after notice to the opposing party and a hearing, and a temporary restraining order ("TRO") until such a hearing may be held. This Court may issue a TRO only if "specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition" Fed. R. Civ. P. 65(b)(1)(A). While Plaintiffs articulate that they will suffer an irreparable harm without injunctive relief, they do not allege that such harm will be immediate and will occur before a hearing may be held on this matter to provide the adverse parties an opportunity to respond. Therefore, Plaintiffs' motion for a TRO will be denied. A hearing on Plaintiffs' motion for a preliminary injunction will be held Monday, August 9, 2010 at 9:30 a.m.

NOW, this 4th day of August, 2010, **IT IS HEREBY ORDERED THAT** Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction (Doc. 2) is **DENIED IN PART** as follows:

- (1) Plaintiffs' request for a temporary restraining order, pending a hearing on Plaintiffs' request for a preliminary injunction is **DENIED**.
- (2) A hearing will be held on **MONDAY, AUGUST 9th, 2010, at 9:30 a.m.**, in Courtroom #2, ***MAX ROSENN UNITED STATES COURTHOUSE, 197 SOUTH MAIN STREET, WILKES-BARRE, PENNSYLVANIA***, on Plaintiffs' request for a preliminary injunction.
- (3) Plaintiffs' counsel shall immediately cause a copy of this Order to be personally served upon each Defendant against whom preliminary injunctive relief is sought.

/s/ A. Richard Caputo

A. Richard Caputo
United States District Judge